



US Army Corps  
of Engineers  
Alaska District

# Public Notice of Application for Permit

Regulatory Branch (1145b)  
Post Office Box 6898  
Elmendorf AFB, Alaska 99506-6898

**PUBLIC NOTICE DATE:** 12 July 2004

**EXPIRATION DATE:** 10 August 2004

**REFERENCE NUMBER:** POA-2004-635-4

**WATERWAY NUMBER:** Bean Creek

Interested parties are hereby notified that an application has been received for a Department of the Army permit for certain work in waters of the United States as described below and shown on the attached plan.

APPLICANT: Kenai Peninsula Borough, 144 North Binkley, Soldotna, Alaska 99669.

AGENT: McLane Consulting Group, Post Office Box 468, Soldotna, Alaska 99669.

LOCATION: Within sections 28 and 29, T. 5 N., R. 3 W., Seward Meridian, latitude 60.50° N., longitude 149.84° W., in Cooper Landing, Alaska.

WORK: Discharge approximately 2,105 cubic yards of fill material and rock into an estimated 27,440 square feet (0.62 acre) of wetlands.

PURPOSE: To develop the Birch Ridge Addition of Bean Creek Subdivision.

ADDITIONAL INFORMATION: The fill material would be discharged into wetlands to construct 700 linear feet of public roads and 600 linear feet of driveways. The rock would be placed along 1,035 linear feet of road ditch to line and stabilize the slopes.

MITIGATION: Through early project planning, the applicant has incorporated the following mitigation elements into the proposed project. Subdivision roads were redesigned to skirt wetlands, increasing their linear length and construction costs, but resulting in a net decrease to wetland impacts of 11,250 square feet (0.26 acre). Ten lots will share five driveways, on the north side of the subdivision, where a linear wetland lies between the road and upland portions of the lots. Additionally, the applicant has proposed placing 25.6 acres of land into preservation buffers and a recreational trail easement.

WATER QUALITY CERTIFICATION: A permit for the described work will not be issued until a certification or waiver of certification as required under Section 401 of the Clean Water Act (Public Law 95-217), has been received from the Alaska Department of Environmental Conservation.

COASTAL ZONE MANAGEMENT ACT CERTIFICATION: Section 307(c)(3) of the Coastal Zone, Management Act of 1972, as amended by 16 U.S.C. 1456(c)(3), requires the applicant to certify that the described activity affecting land or water uses in the Coastal Zone complies with the Alaska Coastal Management Program. A permit will not be issued until the Office of Project Management and Permitting, Department of Natural Resources has concurred with the applicant's certification.

PUBLIC HEARING: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, reasons for holding a public hearing.

CULTURAL RESOURCES: The latest published version of the Alaska Heritage Resources Survey (AHRS) has been consulted for the presence or absence of historic properties, including those listed in or eligible for inclusion in the National Register of Historic Places. There are four properties listed in the vicinity of the worksite and identified as: SEW-0014, SEW-0021, SEW-00175 and SEW-00176. Because the properties are located within, or adjacent to the project area, a determination of eligibility and, if needed, a determination of effect will be made in consultation with the State Historic Preservation Officer (SHPO). Consultation of the AHRS constitutes the extent of cultural resource investigations by the District Engineer at this time. This application is being coordinated with SHPO. Any comments SHPO may have concerning presently unknown archeological or historic data that may be lost or destroyed by work under the requested permit will be considered in our final assessment of the described work.

TRIBAL CONSULTATION: The Alaska District fully supports tribal self-governance and government-to-government relations between the Federal government and Federally recognized Tribes. This notice invites participation by agencies, Tribes, and members of the public in the Federal decision-making process. In addition, Tribes with protected rights or resources that could be significantly affected by a proposed Federal action (e.g., a permit decision) have the right to consult with the Alaska District on a government-to-government basis. Views of each Tribe regarding protected rights and resources will be accorded due consideration in this process. This Public Notice serves as notification to the Tribes within the area potentially affected by the proposed work and invites their participation in the Federal decision-making process regarding the protected Tribal right or resource. Consultation may be initiated by the affected Tribe upon written request to the District Engineer during the public comment period.

ENDANGERED SPECIES: Preliminarily, the described activity will not affect threatened or endangered species, or their critical habitat designated as endangered or threatened, under the Endangered Species Act of 1973 (87 Stat. 844). This application is being coordinated with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Any comments they may have concerning endangered or threatened wildlife or plants or their critical habitat will be considered in our final assessment of the described work.

ESSENTIAL FISH HABITAT: The proposed work is being evaluated for possible effects to Essential Fish Habitat (EFH) pursuant to the Magnuson Stevens Fishery Conservation and Management Act of 1996 (MSFCMA), 16 U.S.C. et seq and associated federal regulations found at 50 CFR 600 Subpart K. The Alaska District includes areas of EFH as Fishery Management Plans. We have reviewed the January 20, 1999, North Pacific Fishery Management Council's Environmental Assessment to locate EFH area as identified by the National Marine Fisheries Service (NMFS), and have determined that the described activity within the proposed area will not adversely affect EFH, including anadromous fish and federally managed fishery resources.

SPECIAL AREA DESIGNATION: The project is located within the Kenai River Comprehensive Management Plan Boundry.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the proposed activity and its intended use on the public interest. Evaluation of the probable impacts, which the proposed activity may have on the public interest, requires a careful weighing of all the factors that become relevant in each particular case. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so, the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision should reflect the national concern for both protection and utilization of important resources. All factors, which may be relevant to the proposal, must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving 404 discharges, a permit will be denied if the discharge that would be authorized by such permit would not comply with the Environmental Protection Agency's 404(b)(1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria (see Sections 320.2 and 320.3), a permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Comments on the described work, with the reference number, should reach this office no later than the expiration date of this Public Notice to become part of the record and be considered in the decision. Please contact Jack Hewitt at (907) 753-2712, toll free from within Alaska at (800) 478-2712, or by email at [jack.j.hewitt@poa02.usace.army.mil](mailto:jack.j.hewitt@poa02.usace.army.mil) if further information is desired concerning this notice.

AUTHORITY: This permit will be issued or denied under the following authority:

(X) Discharge dredged or fill material into waters of the United States - Section 404 Clean Water Act (33 U.S.C. 1344). Therefore, our public interest review will consider the guidelines set forth under Section 404(b) of the Clean Water Act (40 CFR 230).

A plan, Notice of Application for Certification of Consistency with the Alaska Coastal Management Program, and Notice of Application for State Water Quality Certification are attached to this Public Notice.

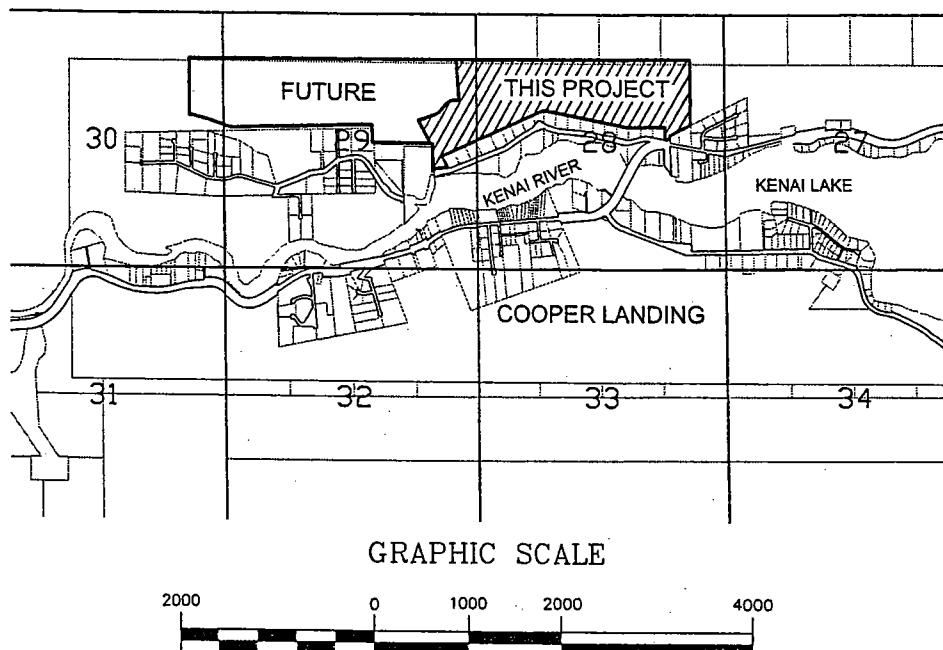
District Engineer  
U.S. Army, Corps of Engineers

Attachments

# KENAI PENINSULA BOROUGH BEAN CREEK SUBDIVISION



## BIRCH RIDGE ADDITION PROPOSED ACCESS ROADS



GRAPHIC SCALE



( IN FEET )

1 inch = 2000 ft.

### REVISION NOTES:

1. PORTIONS OF THE PROPOSED ACCESS HAS BEEN RE-ALIGNED IN ORDER TO ELIMINATE WETLANDS IMPACT IN THOSE AREAS.
2. TOPOGRAPHY OF PROPOSED DEVELOPMENT HAS BEEN PROVIDED, ALONG WITH TYPICAL ROAD SECTIONS.

P.O. BOX 468 SOLDOTNA, AK 99669



CONSULTING GROUP  
TESTING

PROJECT KPB SUBDIVISION  
BEAN CREEK

APPLICANTS KENAI PENINSULA BOROUGH  
144 N. BINKLEY, SOLDOTNA, ALASKA 99669

LOCATION SEC 28 & 29, T5N, R3W, SM, AK  
COOPER LANDING, ALASKA

PURPOSE TO PROVIDE PUBLIC ACCESS TO KPB LAND  
AND CHUGACH NATIONAL FOREST TRAILS

SHEET

TEL 907.283.4218 FAX 907.283.3265

DRAWN BY: GMJ

DATE: 6/22/04

SCALE: 1"=1000

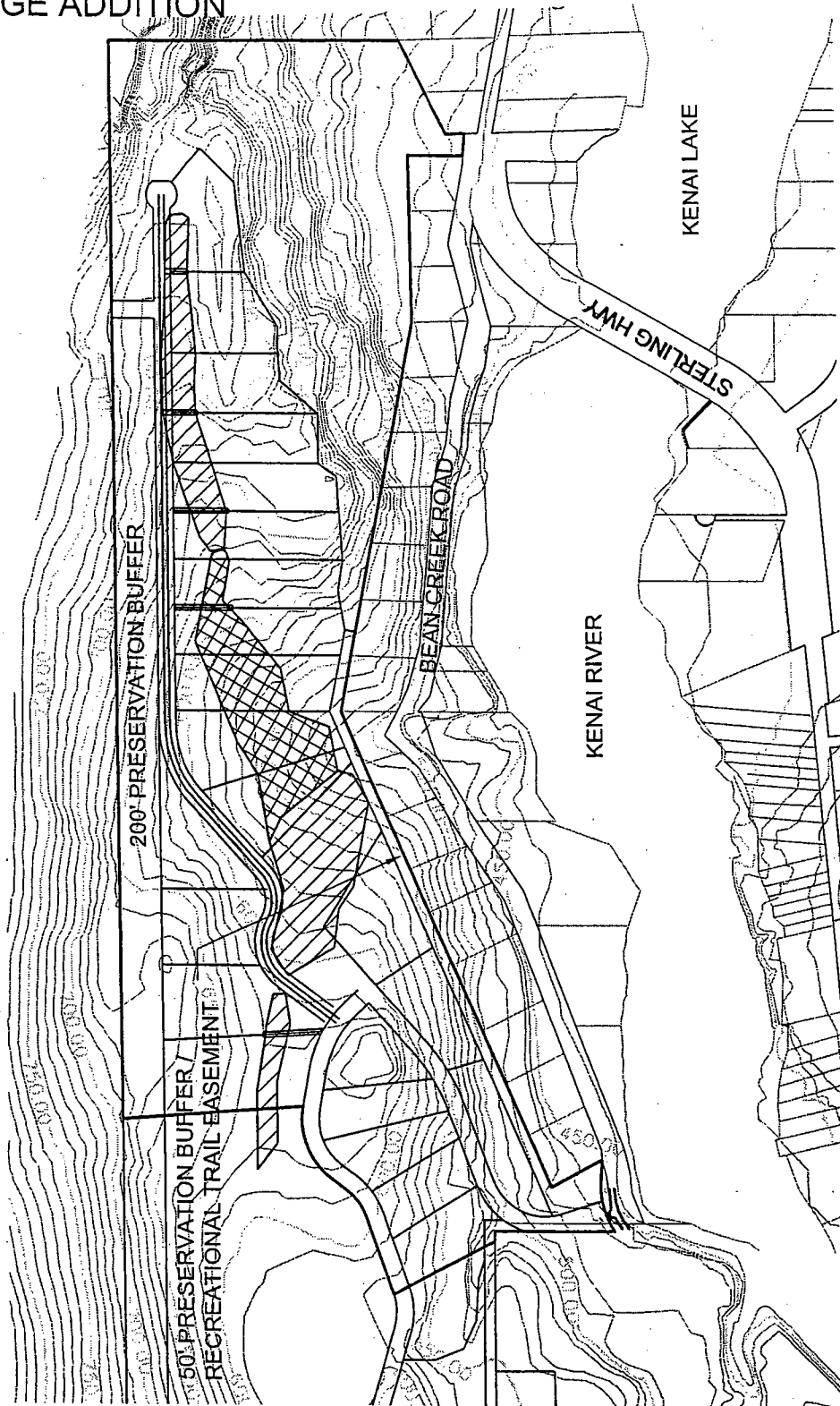
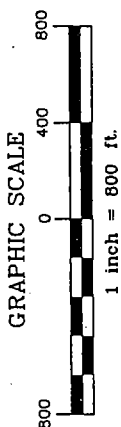
PROJECT: 032014

REV: 1

BOOK NO: XX-XX

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# BIRCH RIDGE ADDITION



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BEAN CREEK

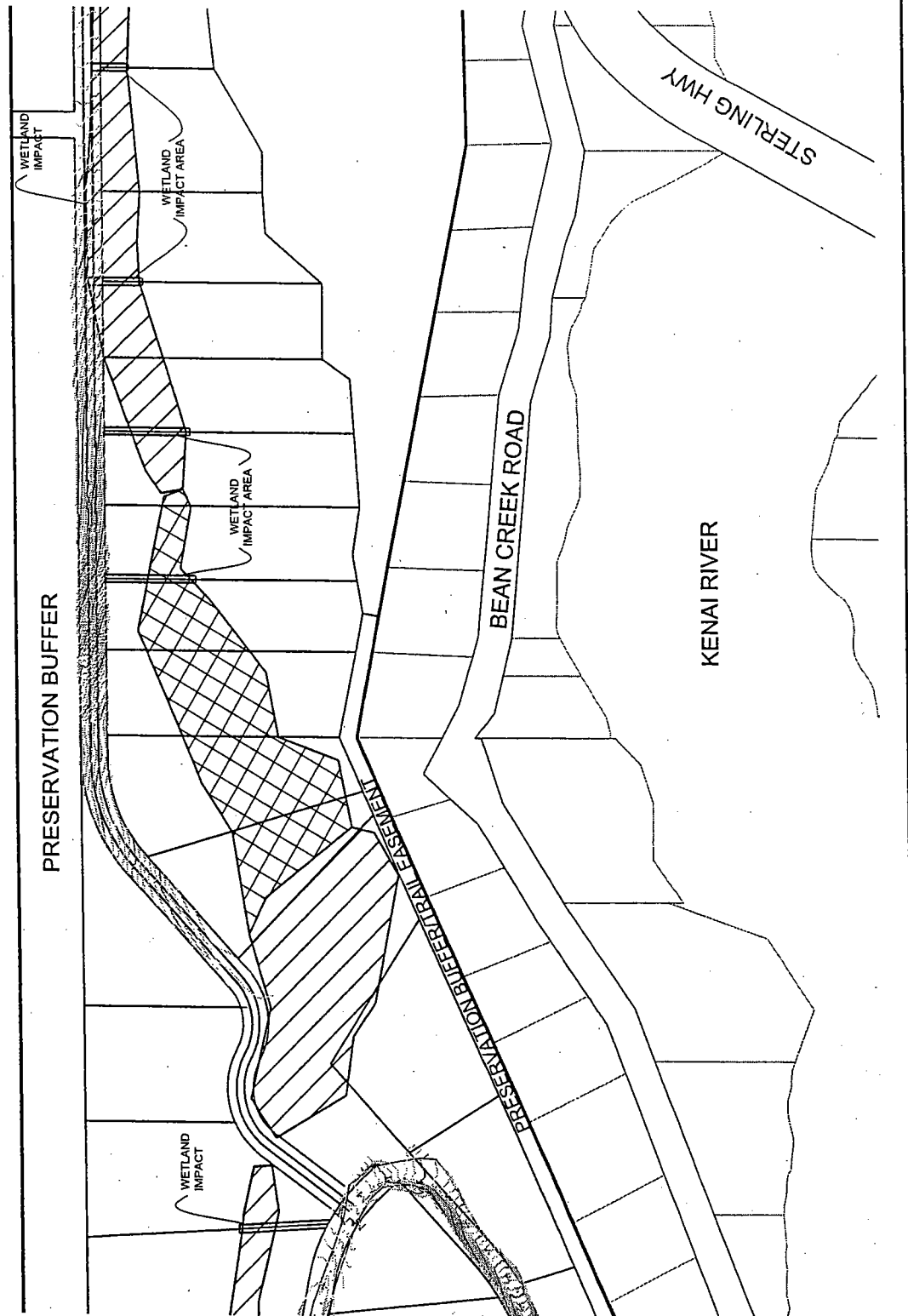
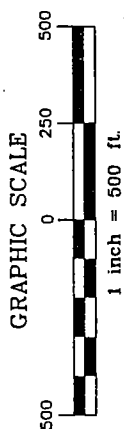
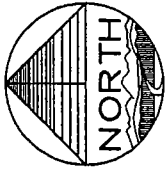
LOCATION SEC 28 & 29, T5N, R3W, SM, AK  
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SHEET

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P.O. Box 468 SOLDOTNA, AK 99669



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PROJECT KPBC SUBDIVISION  
BEAN CREEK

LOCATION SEC 28 & 29, T5N, R3W, SM, AK  
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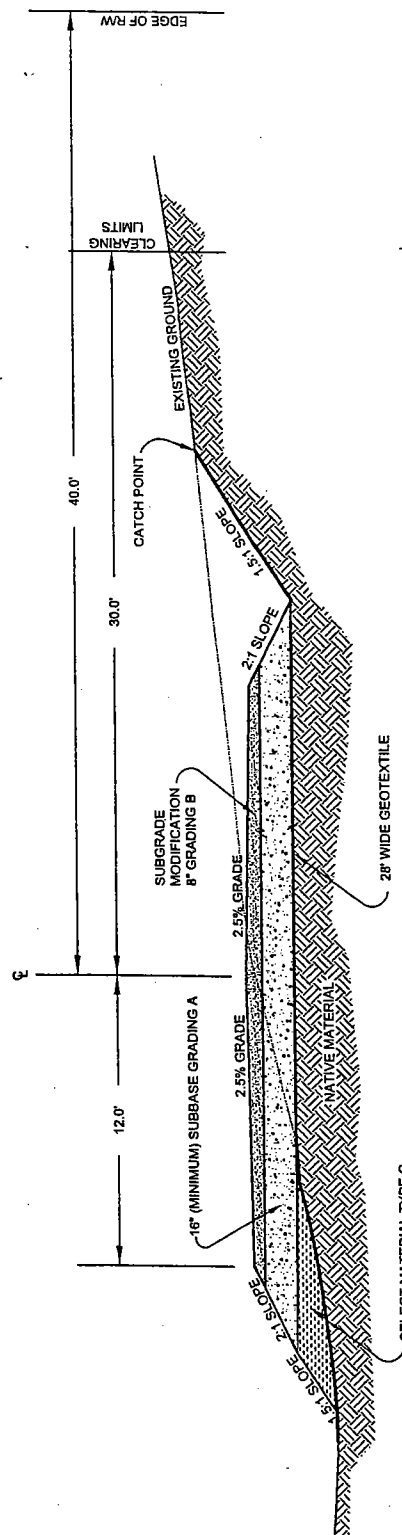
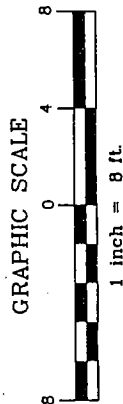
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3 OF 8

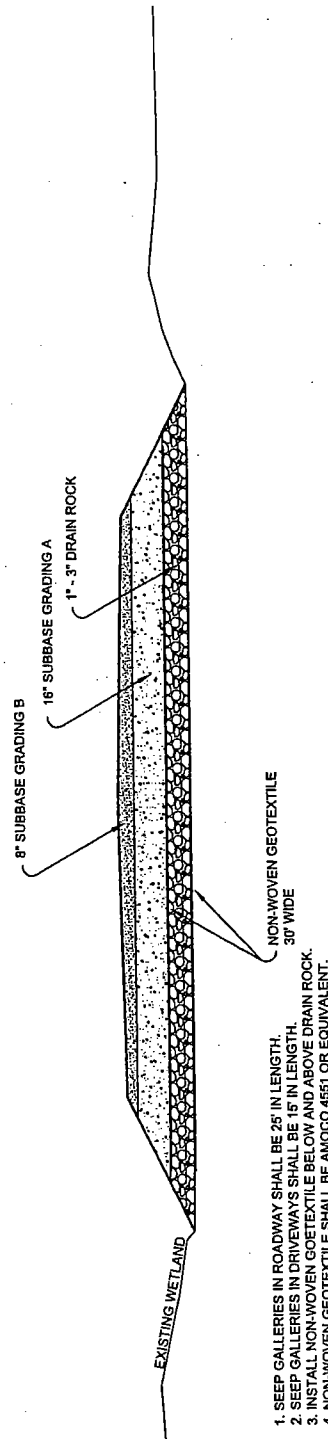
POA-2004-635-4, Bean Creek



- NOTES:
1. EXCAVATED MATERIAL SHALL BE CLASSIFIED AS EITHER WASTE OR USABLE BY OWNER'S REPRESENTATIVE. ALL WASTE EXCAVATION SHALL BE REMOVED AND PLACED IN A CONTRACTOR SUPPLIED DISPOSAL SITE. USABLE EXCAVATION MAY BE USED, AS UNCLASSIFIED FILL, IN DESIGNATED AREAS OF THE JOB, AS DETERMINED BY OWNER'S REPRESENTATIVE.
  2. GRAVEL FILL SHALL BE PLACED IN 8' LIFTS AND COMPACTED TO 95% OF MAXIMUM DENSITY, AS DETERMINED BY OWNER'S REPRESENTATIVE.
  3. SUBBASE GRADING A MATERIAL SHALL BE UNDERLAIN WITH GEOTEXTILE. WOVEN GEOTEXTILE, AMOCO 2002 OR EQUIVALENT SHALL BE USED FROM STA 10+00 TO 32+50, STA 38+25 TO 60+00 AND 67+00 TO 70+25. NON-WOVEN GEOTEXTILE, AMOCO 4551 OR EQUIVALENT SHALL BE USED FROM STA 32+50 TO 38+25 AND 60+00 TO 67+00.
  4. EXISTING GROUND VARIES ALONG ALIGNMENT.
  5. DRIVEWAYS SHALL BE CONSTRUCTED WITH SAME CROSS-SECTION TEMPLATE, 16' WIDTH.

### ROADBED CONSTRUCTION, 24' WIDTH - TYPICAL SECTION

F-2



1. SEEP GALLERIES IN ROADWAY SHALL BE 25' IN LENGTH.
2. SEEP GALLERIES IN DRIVEWAYS SHALL BE 15' IN LENGTH.
3. INSTALL NON-WOVEN GEOTEXTILE BELOW AND ABOVE DRAIN ROCK.
4. NON-WOVEN GEOTEXTILE SHALL BE AMOCO 4551 OR EQUIVALENT.

### SEEP GALLERY TYPICAL SECTION

F-2

P.O. BOX 468 SOLDOTNA, AK 99669



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PROJECT KPB SUBDIVISION  
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LOCATION SEC 28 & 29, T5N, R3W, SM, AK  
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DATE: 6/22/04

SCALE: 1"=1000

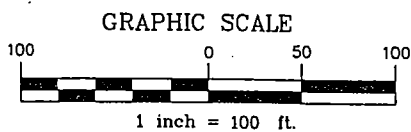
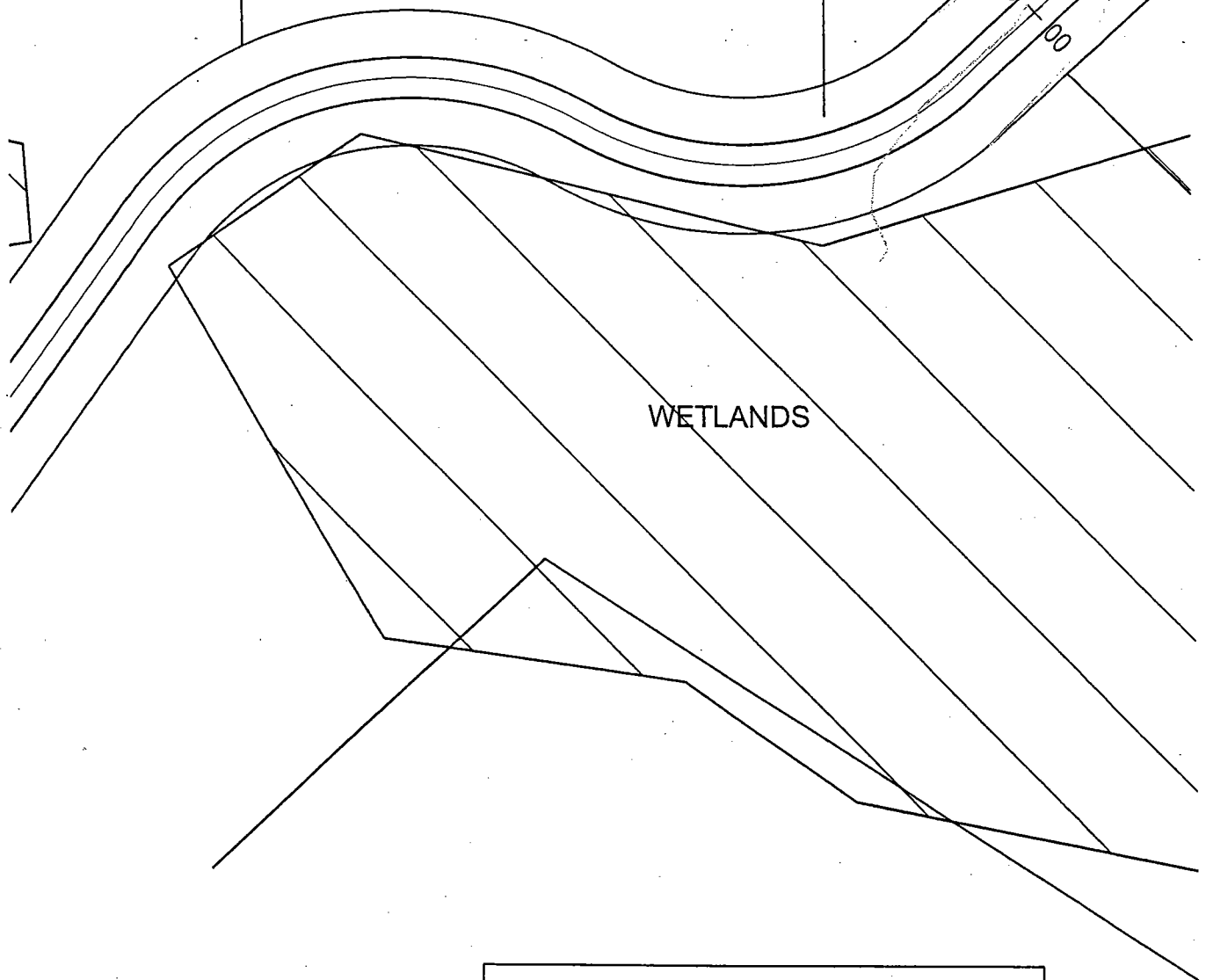
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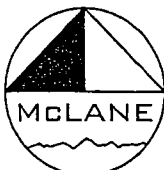
SHEET

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REVISION NOTES:  
1. INTERSECTION AND RIGHT-OF-WAY HAS  
BEEN RE-ALIGNED IN ORDER TO ELIMINATE  
WETLAND IMPACT.

P.O. BOX 468 SOLDOTNA, AK 99669



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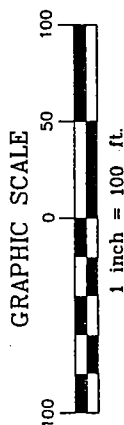
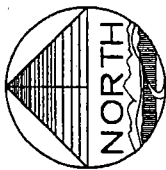
BOOK NO: XX-XX

SHEET

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POA-2004-635-4, Bean Creek





200' PRESERVATION BUFFER

SEEP GALLERY

AREA OF  
IMPACT

SEEP GALLERY

WETLANDS

DRIVEWAY  
CULVERT

BEGIN WETLANDS  
IMPACT STA-59+50

65+00  
64+00  
63+00  
62+00  
61+00  
60+00  
59+00  
58+00



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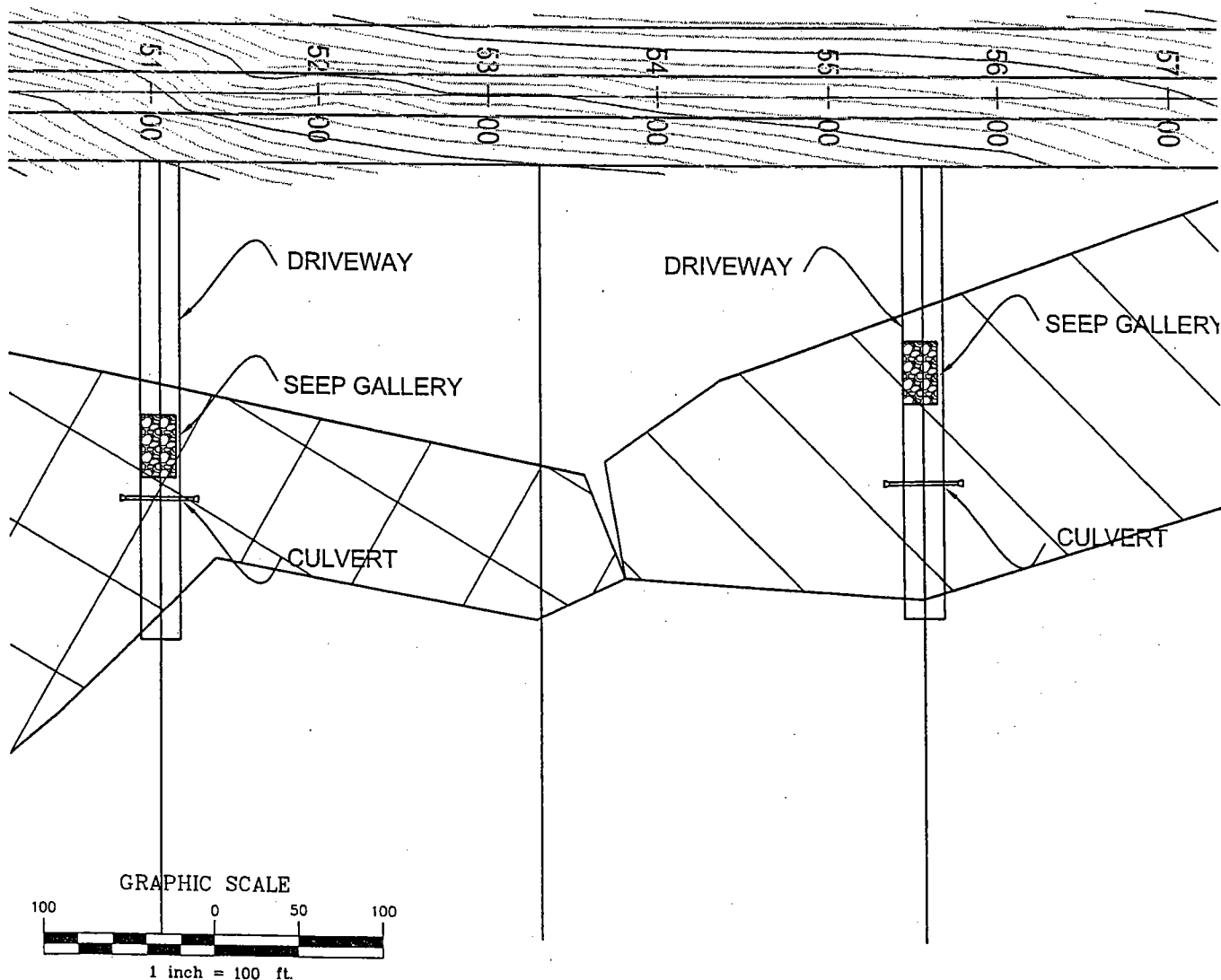
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DRAWN BY: GMJ DATE: 6/22/04 SCALE: 1"=1000 PROJECT: 032014 REV: 1 BOOK NO: XX-XX

POA-2004-635-4, Bean Creek



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SHEET

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## WETLANDS IMPACT SUMMARY: NEW CONSTRUCTION

WETLAND DESCRIPTION	BEGINNING STATION ENDING STATION	LENGTH (LF)	PROPOSED WIDTH (FT)	FOOT PRINT AREA	FILL VOLUME (CY)
<del>LARGE WETLAND (NO. 1) DRAINING SOUTH**</del>	<del>32+50 36+25</del>	<del>375</del>	<del>24 Top</del>	<del>11,250 (SF) 0.26 (AC)</del>	<del>875</del>
LARGE WETLAND (NO. 2) DRAINING SOUTH.	60+00 67+00	700	24 Top	11,460 (SF) 0.26 (AC)	1125
DITCH LINING AND SLOPE STABILIZATION ROCK	32+50 - 36+25 60+00 - 67+00	1035	2'	INCLUDED ABOVE	300
DRIVEWAYS		600	16 Top	15,890 (SF) 0.36 (AC)	980
TOTAL AREAS				<del>38,690 (SF) 0.88 (AC)</del>	<del>2980 CY</del>
REVISED TOTAL AREAS**				27,440 (SF) 0.62 (AC)	2105 CY

\*\*INTERSECTION AND RIGHT-OF-WAY HAS BEEN RE-ALIGNED IN ORDER TO ELIMINATE THIS WETLANDS IMPACT.

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8 OF 8

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

**DEPARTMENT OF NATURAL RESOURCES  
OFFICE OF PROJECT MANAGEMENT AND PERMITTING**

ALASKA COASTAL ZONE MANAGEMENT  
550 WEST 7<sup>TH</sup> AVENUE, SUITE 1660  
ANCHORAGE, ALASKA 99501-3568

**NOTICE OF APPLICATION  
FOR  
CERTIFICATION OF CONSISTENCY WITH THE  
ALASKA COASTAL MANAGEMENT PROGRAM**

Notice is hereby given that a request is being filed with the Office of Project Management and Permitting for a consistency determination, as provided in Section 307(c)(3) of the Coastal Zone Management Act of 1972, as amended [16 U.S.C. 1456(c)(3)], that the project described in the Corps of Engineers Public Notice No. **PAO-2004-635-4, BEAN CREEK**, will comply with the Alaska Coastal Management Program and that the project will be conducted in a manner consistent with that program.

The Office of Project Management and Permitting requests your comments, particularly on the proposed project's consistency with the affected local coastal district management program. For more information on the consistency review contact OPMP at (907) 269-7470 or (907) 465-3562, or visit the ACMP web site at <http://www.gov.state.ak.us/gdc/Projects/projects.html>.

Attachment

# STATE OF ALASKA

OFFICE OF THE GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### DIVISION OF WATER

401 Certification Program

Non-Point Source Water Pollution Control Program

### NOTICE OF APPLICATION FOR STATE WATER QUALITY CERTIFICATION

Any applicant for a federal license or permit to conduct an activity that might result in a discharge into navigable waters, in accordance with Section 401 of the Clean Water Act of 1977 (PL95-217), also must apply for and obtain certification from the Alaska Department of Environmental Conservation that the discharge will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. By agreement between the U.S. Army Corps of Engineers and the Department of Environmental Conservation, application for a Department of the Army permit to discharge dredged or fill material into navigable waters under Section 404 of the Clean Water Act also may serve as application for State Water Quality Certification.

Notice is hereby given that the application for a Department of the Army Permit described in the Corps of Engineers' Public Notice No. **POA-2004-635-4, BEAN CREEK**, serves as application for State Water Quality Certification from the Department of Environmental Conservation.

After reviewing the application, the Department may certify that there is reasonable assurance that the activity, and any discharge that might result, will comply with the Clean Water Act, the Alaska Water Quality Standards, and other applicable State laws. The Department also may deny or waive certification.

Any person desiring to comment on the project with respect to Water Quality Certification may submit written comments within 30 days of the date of the Corps of Engineer's Public Notice to:

Department of Environmental Conservation  
WQM/401 Certification  
555 Cordova Street  
Anchorage, Alaska 99501-2617  
Telephone: (907) 269-6281  
FAX: (907) 269-7508

Attachment